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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,184	11/21/2000	Richie D. Barnes	27850-1	1323

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EXAMINER

PENDLETON, BRIAN T

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

CB

Office Action Summary

Application No.

09/721,184

Applicant(s)

BARNES, RICHIE

Examiner

Brian T. Pendleton

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murayama in view of Hwang et al, US Patent 5,714,863. Murayama discloses a motorcycle equipped with an audio system comprising audio component 12 (tape player), inherent means for conducting power from battery to the audio component, a cowling 1 which receives the audio component, amplifier 6, inherent means for communicating signals from the audio component to the amplifier 6, speakers 19, and means for communicating signals from the audio component to the speakers 19. Murayama does not disclose a capacitor connected in parallel with the motorcycle battery to supplement the battery during peak power demands of the audio component. However, that technique was well known in the art at the time of invention. The technique involves coupling a capacitor to a power source in order to supplement the voltage drop in the power source during peak usage. In figure 1 and column 1 line 38-column 2 line 2, Hwang et al taught this principle with regard to cellular phones which

Art Unit: 2644

have greatly strained power supplies. The invention of Hwang et al was generally directed to circuitry for enhancing the power delivery of an energy source, therefore, one of ordinary skill would have realized that the teachings could be applied to motorcycles, whose power supply has limitations during peak power demands. It would have been obvious to one of ordinary skill in the art at the time of invention to provide a capacitor in parallel with the battery of the motorcycle in the invention of Murayama. This combination would have advantageously enhanced the power delivery of the battery. Claim 1 is met. Per claim 2, the audio component, amplifier and communicating means are in the existing structures of the motorcycle. As to claim 3, there is disclosed a cowling 1. Regarding claim 4, the audio component is a tape player. Per claims 5 and 6, the motorcycle also has a changer unit 11 and FM receiver. As to claims 7 and 8, there is disclosed speakers 19 which are in the cowling 1.

Claims 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murayama in view of Fukunaga et al. Murayama discloses a motorcycle equipped with an audio system comprising audio component 12 (tape player), inherent means for conducting power from battery to the audio component, a cowling 1 which receives the audio component, and means for communicating signals from the audio component to the speakers 19. However, the cowling described in Murayama is in the front of the motorcycle and not behind the seat. Fukunaga et al disclose a rear cowling mounting structure for a motorcycle comprising rear cowling 9 and seat 5. As taught in column 3 line 66 – column 4 line 18, the construction of the cowling 9 allows for a storage component behind the motorcycle seat. The placement of the audio component of

Art Unit: 2644

Murayama in the front cowl of the motorcycle is one of design choice, there is no specific teaching that location of the front cowl is more desirable than that of a rear cowl. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to put the audio component in any cowl of a motorcycle. In light of the teachings of Fukunaga et al, one would have been motivated to place the audio component in the rear cowl 9 there since therein lies a storage compartment and the added feature of security, not found solely in Murayama. Claims 9 and 16 are met. Regarding claim 10, the modified structure meets the claims. As to claims 11 and 17, there is disclosed a tape player 12 in Murayama. Per claims 12, 13 and 18, the auxiliary audio component can be multi-changer unit 11 or FM receiver, both of which are disclosed. As to claims 14, 15, 19 and 20, the speaker would be housed in the cowling, per the teachings of Fukunaga et al.


Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (703) 305-9509. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Art Unit: 2644

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.


Brian Tyrone Pendleton
August 12, 2002


FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000